

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kevin R. Heath                          Art Unit : 3738  
Serial No. : 10/751,749                          Examiner : Thomas J. Sweet  
Filed : January 5, 2004                          Conf. No. : 5630  
Title : TUBULAR MEDICAL ENDOPROSTHESES

**MAIL STOP AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated March 14, 2008, finally rejecting claims 39, 40, 41, 42.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 3 months to and including September 14, 2008 is enclosed.

The fees in the amount of \$1560 for the required Appeal fee and petition for extension of time, are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: September 11, 2008

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**CERTIFICATE OF MAILING BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: September 11, 2008